



01-74-05

21/01

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.  
UCSF00-066-2

In Re Application Of: **Chris J. Diederich; Dana L. Deardorff**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/756,588	January 12, 2004				

Title: **CATHETER BASED BALLOON FOR THERAPY MODIFICATION AND POSITIONING OF TISSUE**

Address to:  
**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

- The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

- The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

**OR**

the fee set forth in 37 CFR 1.17(p).



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(Under 37 CFR 1.97(b) or 1.97(c))

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10/756,588	January 12, 2004				

Title: CATHETER BASED BALLOON FOR THERAPY MODIFICATION AND POSITIONING OF

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of \_\_\_\_\_ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 07-1137 as described below.
  - Charge the amount of \_\_\_\_\_
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\_\_\_\_\_  
Signature

Dated:

1/25/05

John P. O'Banion, Reg. No.: 33,201  
O'BANION & RITCHIEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010

CC:



## CERTIFICATION UNDER 37 CFR 1.10

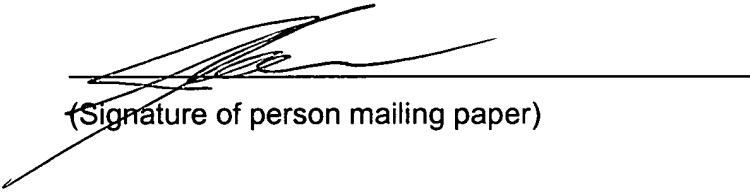
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JOHN P. O'BANION

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(Signature of person mailing paper)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chris J. Diederich, et al.  
Serial No.: 10/756,588  
Filed: January 12, 2004  
For: CATHETER BASED BALLOON FOR THERAPY MODIFICATION AND POSITIONING  
OF TISSUE  
Group:  
Examiner:  
Docket No.: UCSF00-066-2

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22213-1450**

**INFORMATION DISCLOSURE STATEMENT**

**List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1.  Preliminary Statements
2.  FORM PTO/SB/08A-PTO/SB/8B
3.  Statement As To Information Material To Examination Not Found In Patents Or Publications
4.  Identification Of Prior Application In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted
5.  Cumulative Patents or Publications
6.  Copies of Publications and Foreign Patents Accompanying This Statement
7.  Concise Explanation of Non-English Language Listed Information Items
8.  Translation(s) of Non-English Language Documents
9.  Signature of Attorney

## **Section 1.      Preliminary Statements**

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 2. Form PTO/SB/08A-PTO/SB/08B (substitute for Form 1449)**

**FORM PTO/SB/08A-PTO/SB/08B IS BEING SUBMITTED HEREWITH IN 2 PAGE(S).**

**Section 3. Statement As To Information Material To Examination Not Found In Patents Or Publications (Information not listed in PTO SB/08A-PTO SB/08B)**

**Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted**

Note: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 CFR 1.98(d).

**WARNING:** While a copy of a non-English language item of information need not be submitted if its was previously submitted to or cited by the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

**THIS APPLICATION RELIES, UNDER 35 U.S.C. § 120, ON THE EARLIER FILING DATE OF PRIOR APPLICATION \_\_\_\_\_ FILED ON \_\_\_\_\_. THE REFERENCES SHOWN IN THE FORM PTO/SB/08A-PTO/SB/08B WERE SUBMITTED TO AND/OR CITED BY THE OFFICE IN THIS PRIOR APPLICATION AND, THEREFORE, ARE NOT REQUIRED TO BE PROVIDED IN THIS APPLICATION.**

## **Section 5. Cumulative Patents or Publications**

**NOTE:** "When the disclosure of two or more patents or publications listed in an information disclosure statement are substantially cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications provided that a statement is made that these other patents or publications are cumulative." 37 CFR 1.98(c).

### **STATEMENT**

\_\_\_\_\_ is cumulative of the following patents or publications listed on Form PTO  
SB/08A:

In accordance with 37 CFR 1.98(c) a copy of only \_\_\_\_\_ is being submitted with this  
information disclosure statement.

**Section 6. Copies of Listed Information Items Accompanying This Statement**

Legible copies of **all** items listed accompany this information disclosure statement are enclosed, except for U.S. patents and published applications, and except as indicated below:

**X** **Exception(s) to above**

**X** **US Patents and US Patent Publications are not submitted.**

       Cumulative patents or publications identified in Section 5.

**It is respectfully stipulated, however, that none of these references teach or render obvious, singly or when considered in combination, applicant's claimed invention. This citation does not constitute an admission that the references are relevant or material to the claims nor that a search has been made; the references are cited only as constituting the closest art of which the applicant is aware.**

## Section 7. Concise Explanation of Non-English Language Listed Information Items

NOTE: "A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the information of each patent, publication, or other information listed that is not in the English language shall be included in any information disclosure statement filed under § 1.97. "The concise explanation may be either separate from the specification or incorporated therein." 37 CFR 1.98(a)(3).

NOTE: "[T]he explanation required is limited to the relevance as understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.

NOTE: "Where the information listed is not in the English language, but was cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by submitting an English language version of the search report." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.

NOTE: "The concise explanation requirement for non-English language information may be met by submission of an English language version of the search report indicating the degree of relevance found by the foreign office." Notice of January 9, 1992, 1136 O.G. 13-25, at 20.

WARNING: "The requirement in §1.98(a)(3) for a concise explanation of non-English information **would not be** satisfied by a statement that a reference was cited in the prosecution of a parent application." Notice of January 9, 1992, 1136 O.G. 13-25, at 20 (emphasis added).

## Section 8. Translation(s) of Non-English Language Documents

NOTE: "If a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation shall accompany the statement." 37 CFR 1.98(c).

NOTE: "The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not English and the Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English-language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements of a concise explanation in § 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.

No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

Submitted herewith is an English language translation of the following foreign patents, publications or information or of those portions of those patents, publications or information considered to be material:

**Section 9.      Signature of Attorney**

Dated:

1/26/08

~~SIGNATURE OF ATTORNEY~~

John P. O'Banion, Reg. No. 33,201  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010



## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that the foregoing:

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JOHN P. O'BANION

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of 2

### Complete if Known

Application Number	10/756,588
Filing Date	Jan. 12, 2004
First Named Inventor	Chris J. Diederich
Art Unit	3731
Examiner Name	

Attorney Docket Number UCSF00-066-2

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Number-Kind Code <sup>2</sup> (if known)					
		US- 4,312,364	01/26/1982	Convert et al.	
		US- 4,462,408	07/31/1984	Silverstein et al.	
		US- 4,586,512	05/06/1986	Do-huu et al.	
		US- 4,800,899	01/31/1989	Elliot	
		US- 4,907,589	03/13/1990	Cosman	
		US- 4,961,435	10/09/1990	Kitagawa et al.	
		US- 5,002,058	03/26/1991	Martinelli	
		US- 5,158,536	10/27/1992	Sekins et al.	
		US- 5,344,435	09/06/1994	Turner et al.	
		US- 5,351,691	10/04/1994	Brommersma	
		US- 5,391,197	02/21/1995	Burdette et al.	
		US- 5,520,479	04/15/1997	Burdette et al.	
		US- 5,733,315	03/31/1998	Diederich	
		US- 6,599,288 B2	05/16/2001	Maguire	
		US- 6,607,502 B1	11/05/1999	Maguire	
US-					

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
Country Code <sup>3</sup> "Number <sup>4</sup> "Kind Code <sup>5</sup> (if known)						
		3719705	12/06/1987	Kahler		
		1266548	10/30/1986			
		1528509	12/15/1989			
		1648504	05/15/1991			
		WO 85/02779	07/04/1985	Goffinet		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/756,588
<i>(Use as many sheets as necessary)</i>				Filing Date	Jan. 12, 2004
				First Named Inventor	Chris J. Diederich
				Art Unit	3731
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	UCSF00-066-2

<b>NON PATENT LITERATURE DOCUMENTS</b>				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
		DIEDERICH ET AL., "Ultrasound Technology for Interstitial Hypothermia," Medical Radiology Interstitial and Intracavitary Thermoradiotherapy, Pringer-Verlag, (1993)		
		HYNYNEN ET AL., "Small Cylindrical Ultrasound Sources for Induction of Hypothermia via Body Catheters or Interstitial Implants," Int. J. Hypothermia, Vol. 9, No. 2, pp.263-274		
		HYNENEN, "The Feasability of Interstitial Ultrasound Hypothermia," Am. Assoc. Pys. Med. J., (July/August, 1992)		

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.  
This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## CERTIFICATION UNDER 37 CFR 1.10

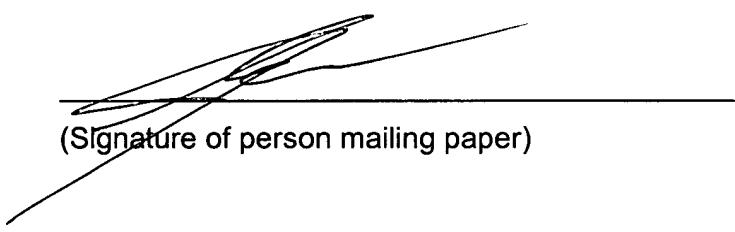
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### 1. PTO FORM 1449

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**CERTIFICATION UNDER 37 CFR 1.10**

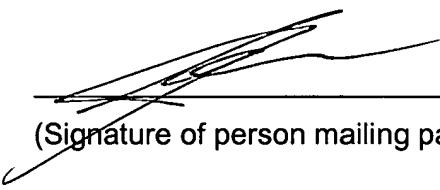
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**1. CITATIONS (8)**

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JOHN P. O'BANION

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